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December 23, 2024

BY ECF

Honorable Judith C. McCarthy
United States Magistrate Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/18/2025

re: Rodriguez, et al. v. Hayes, et al. 7:23-CV-10122 (NSR) (JCM)

Dear Judge McCarthy,

My office represents the Plaintiffs Christian Rodriguez, Jason Brink, and Brandon Sargeant (“Plaintiffs”) in the above matter. In that capacity, I write to apologize to the Court for our delay in responding to the Order of United States District Court Judge Nelson Stephen Roman, dated June 4, 2024, which directed us to contact Your Honor. The reason for our delay is that Defendant Maya Hayes had requested that the matter be stayed while her criminal case related to the sexual abuse allegations in this matter by our clients and by other youth who were detained at the Brookwood Facility, is pending, and my office inadvertently neglected to respond to the June 4, 2024 Order. In reviewing the docket sheet in this matter, the undersigned realized our mistake.

See p. 2 The undersigned emailed Defendant Hayes on December 19, 2024 with a copy of the June 4, 2024 Order and asked if Defendant Hayes consented to service by email or required a physical copy be sent by First Class Mail. Defendant Hayes responded the same day confirming that communication by email was acceptable. A copy of that email is attached as Exhibit A.

Plaintiffs do not oppose staying discovery in this matter, pending a trial or plea in Defendant Hayes’ criminal matter, but request permission to file a First Amended Complaint naming several of the John/Jane Doe Defendants so that they can be served. Plaintiffs have attached as Exhibit B, a copy of the proposed First Amended Complaint, which was served on Defendant Hayes. According to webcrims, Defendant Hayes’ criminal case is scheduled for a compliance conference on January 22, 2025. Plaintiffs are requesting that the Initial Conference be scheduled for a date after January 22, 2025. No other deadlines will be impacted by this request.

MEMO ENDORSED

Plaintiffs thank the Court for its consideration herein.

Respectfully submitted,

/s/ Evan Brustein

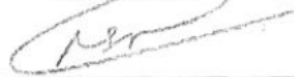
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cc: Defendant Maya Hayes
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(via email)

The Court GRANTS Plaintiffs' request for leave to file a First Amended Complaint on or before March 18, 2025. Defendants are directed to answer, move, or otherwise respond to the Amended Complaint by April 8, 2024. The Parties are directed to confer and submit a CMP (blank form attached) by April 29, 2025. The Court directs Plaintiff to serve a copy of this endorsement on Defendant Hayes by February 25, 2025 and file proof of service on the docket. The Court additionally directs the Clerk of Court to add Defendant Hayes's address to the docket. The Clerk of Court is further requested to terminate the motion at ECF No. 8.

**Dated: February 18, 2025
White Plains, New York**

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

SOUTHERN DISTRICT OF NEW YORK

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**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff(s),

- against -

Defendant(s). _____ CV _____ (NSR)

-----X

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by _____.
4. Amended pleadings may be filed until _____.
5. Interrogatories shall be served no later than _____, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than _____.
7. Non-expert depositions shall be completed by _____.

- a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
8. Any further interrogatories, including expert interrogatories, shall be served no later than _____.
9. Requests to Admit, if any, shall be served no later than _____.
10. Expert reports shall be served no later than _____.
11. Rebuttal expert reports shall be served no later than _____.
12. Expert depositions shall be completed by _____.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** _____.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. _____.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.

19. The next case management conference is scheduled for _____, at _____ . (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: White Plains, New York

Nelson S. Román, U.S. District Judge